

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KIMBERLY J. FUSE,

Plaintiff,

Case Number 09-11813-BC
Honorable Thomas L. Ludington

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT, AND DISMISSING COMPLAINT WITH
PREJUDICE**

This matter is before the Court on a report and recommendation [Dkt. # 13] issued by Magistrate Judge Virginia Morgan on May 12, 2010. Judge Morgan recommends granting Defendant's motion for summary judgment [Dkt. # 12], and denying Plaintiff's motion for summary judgment [Dkt. # 9] because the decision of the Administrative Law Judge is supported by substantial evidence. As of today's date, no party has filed any objections to the report and recommendation. The decision to not object to the report and recommendation releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the report and recommendation [Dkt # 13] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 12] is **GRANTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment [Dkt. # 9] is **DENIED**.

It is further **ORDERED** that Plaintiff's complaint [Dkt. # 1] is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: June 4, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 4, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS